



DEPARTMENT OF THE NAVY
OFFICE OF NAVAL RESEARCH
875 NORTH RANDOLPH STREET
SUITE 1425
ARLINGTON, VA 22203-1995

IN REPLY REFER TO:

Agreement Date: December 9, 2008

NEGOTIATION AGREEMENT

Institution: COLORADO SCHOOL OF MINES
GOLDEN, COLORADO 80401

The Fringe Benefits rates contained herein are for use on grants, contracts and/or other agreements issued or awarded to the Colorado School of Mines by all Federal Agencies of the United States of America, in accordance with the provisions and cost principles mandated by 2 CFR Part 220 – formerly Office of Management and Budget (OMB) Circular A-21. These rates shall be used for forward pricing and billing purposes at the Colorado School of Mines for Fiscal Year 2009. This rate agreement supersedes all previous rate agreements/determinations for Fiscal Year 2009.

SECTION I: RATES - TYPE: Fixed with Carry-forward (Fixed)

Fringe Benefits Rates:

<u>Type</u>	<u>Effective Period</u>		<u>Rate</u>	<u>Base</u>	<u>Applicable To</u>	<u>Location</u>
	<u>From</u>	<u>To</u>				
Fixed	7/1/08	6/30/09	28.1%	(a)	Administrative and Academic Faculty	All
Fixed	7/1/08	6/30/09	26.3%	(a)	Research Faculty	All
Fixed	7/1/08	6/30/09	14.0%	(a)	Temporary Faculty & Full Time Temporary Classified (PERA)	All
Fixed	7/1/08	6/30/09	23.1%	(b)	Full/Part Time Permanent Classified and Part Time Temporary Classified	All

DISTRIBUTION BASES:

- (a) Faculty salaries and Wages
- (b) Classified (administrative) salaries and wages

SECTION II - GENERAL TERMS AND CONDITIONS

A. LIMITATIONS: Use of the rates set forth under Section I is subject to any statutory or administrative limitations and is applicable to a given grant, contract or other agreement only to the extent that funds are available and consistent with any and all limitations of cost clauses or provisions, if any, contained therein. Acceptance of the rates agreed to herein is predicated upon all of the following conditions: (1) that no costs other than those incurred by the grantee/contractor were included in this indirect cost pool as finally accepted and that such costs are legal obligations of the grantee/contractor and allowable under governing cost principles; (2) that the same costs that have been treated as indirect costs are not claimed as direct costs; (3) that similar types of costs have been accorded consistent accounting treatment; and (4) that the information provided by the grantee/contractor, which was used as the basis for acceptance of the rates agreed to herein and expressly relied upon by the Government in negotiating and accepting the said rates, is not subsequently found to be materially incomplete or inaccurate.

B. ACCOUNTING CHANGES: The rates contained in Section I of this agreement are based on the accounting system in effect at the time the agreement was negotiated. Changes to the method(s) of accounting for costs which affect the amount of reimbursement resulting from the use of these rates require the written approval of the authorized representative of the cognizant negotiating agency for the Government prior to implementation of any such changes. Such changes include but are not limited to changes in the charging of a particular type of costs from indirect to direct. Failure to obtain such approval may result in subsequent cost disallowances.

C. USE BY OTHER FEDERAL AGENCIES: The rates set forth in Section I hereof were negotiated in accordance with and under the authority set forth in 2 CFR Part 220 – formerly OMB Circular A-21. Accordingly, such rates shall be applied to the extent provided in such circular to grants and contracts to which OMB Circular A-21 is applicable, subject to any limitations in part A of this section. Copies of this document may be provided by either party to other Federal agencies which have or intend to issue or award grants and contracts using these rates or to otherwise provide such agencies with documentary notice of this agreement and its terms and conditions.

D. FIXED RATES WITH CARRY-FORWARD PROVISIONS: The Fringe Benefits rates contained in this agreement are based on estimates of the costs for FY 2009. When the actual costs for FY 2009 are determined, adjustments will be made to the rates of a future year to recognize the difference between the FY 2009 estimated costs used to establish the fixed rates and the negotiated actual FY 2009 costs.

E. CARRY-FORWARD AMOUNTS: The fixed rates set forth in Section I are inclusive of the following estimated FY 2007 carry-forward amounts.


Rate Category		Liquidated In FY 2009 Fixed Rates
FRINGE BENEFITS:		Under / (Over) Recovery
Administrative & Admin Faculty	FY07 CFW (Estimated)	\$ (67,032)
Research Faculty	FY07 CFW (Estimated)	\$ (123,404)
Temporary Faculty & Full Time Temporary Classified (PERA)	FY07 CFW (Estimated)	\$ 3,960
Full/Part Time Permanent Classified Part Time Temporary Classified	FY07 CFW (Estimated)	\$ (86,803)

The difference between the estimated FY 2007 carry-forward amounts and the actual negotiated carry-forward amounts will be included as an adjustment in a subsequent year rate negotiation.

Acceptance:

FOR THE COLORADO SCHOOL
OF MINES:

FOR THE U.S GOVERNMENT:


KIRSTEN M. VOLPI
Vice President for Finance and Administration


SCOTT M. BUKOVEC
Contracting Officer

12/10/08
Date

12/10/08
Date

For information concerning this agreement contact:

OFFICE OF NAVAL RESEARCH
Indirect Cost Branch (BD0242)
875 N. Randolph St, Rm 373
Arlington, VA 22203-1995

Scott M. Bukovec
PHONE: 703.696.2586
FAX: 703.696.2870
E-mail: scott.bukovec@navy.mil